

## REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-4 and 16 are currently pending. Claims 1 and 16 are independent and are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed, and specifically at page 98, lines 2-16. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-4 and 16 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,011,858 to Stock et al. (hereinafter, merely "Stock") in view of U.S. Patent No. 5,682,549 to Tanaka et al. (hereinafter, merely "Tanaka"). Claims 1 and 16 are being amended to clarify that the move/copy history of a particular file is stored in the memory means,

Independent claim 1 recites, *inter alia*:

A data processing apparatus, comprising:  
memory means for storing move/copy history indicative of the movement of a particular file when the particular file is moved/copied from said large capacity memory means to a non-volatile memory . . .

As understood by the Applicants, Stock discloses a programmable memory card to hold personal information of a user and includes a security feature for verify the true holder of the card. The memory card includes security file structure for restricting access to the personal information in the application file structure. The security file structure includes a biometric template of a physical characteristic of the user.

The Office Action asserts that Stock's "transaction information" is equivalent to Applicant's "move/copy history." The Applicants respectfully disagree. The "transactions" of Stock refer to recording data of transactions in the file. The transactions can be external transactional data from a consumer transaction, for example. This is discussed throughout the Stock patent and particularly in the background, col. 3, lines 1-5 and col. 5, line 66 to col. 6, line 12. There is no teaching or suggestion in Stock that a move/copy history of a file from a large capacity memory is stored and later referenced as recited in claim 1.

In contrast, claim 1 recites, "memory means for storing move/copy history indicative of the movement of a particular file when the particular file is moved/copied from said large capacity memory means to a non-volatile memory . . ." (emphasis added). Thus, in the present application the history that is stored records whether a file was moved/copied. The history stores move/copy history of the file and not the data in the file.

Tanaka fails to add the element missing from Stock. Thus, claim 1 is believed to be patentable over the cited references because, neither Stock nor Tanaka either alone or in combination teaches each and every element recited in claim 1.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claim 16 is also believed to be patentable.

### **III. DEPENDENT CLAIMS**

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

### **CONCLUSION**

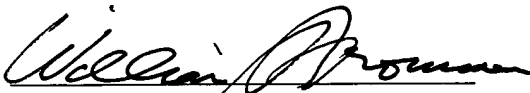
Claims 1-4 and 16 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By:   
William S. Frommer  
Reg. No. 25,506  
(212) 588-0800